

**LARGE-SCALE
COMPREHENSIVE
PLAN AMENDMENT
NARRATIVE**

**NICHOLS FACILITY
POLK COUNTY, FL**

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As of June 5, 2024

Project Narrative

Mosaic Fertilizer Inc.’s Nichols Facility (the “**Facility**”) is located at along Nichols Road (CR-676), in close proximity to the border of western Polk County (the “**County**”), and east of Hillsborough County. Nichols (unincorporated) is north of the Facility and the city limits of Mulberry are within half a mile northeast. The subject property is +/- 542.62 acres in size and comprises three contiguous parcels identifiable as Polk County Property Appraiser parcel identification numbers: 233008000000022010, 233017000000011020, and 233018000000011040 (the “**Property**”), as shown in **Figure 1** and **Attachment 1**. The Property has a split Future Land Use (“**FLU**”) designation of Phosphate Mining (“**PM**”) and Agriculture/Rural Residential (“**A/RR**”) as shown in **Figure 3**. This request is for a Large-Scale Comprehensive Plan Amendment (“**LSCPA**”) to amend the Property’s A/RR and PM FLU designation to a PM FLU for overall operation continuity (the “**Request**”), as shown in **Figure 4**.

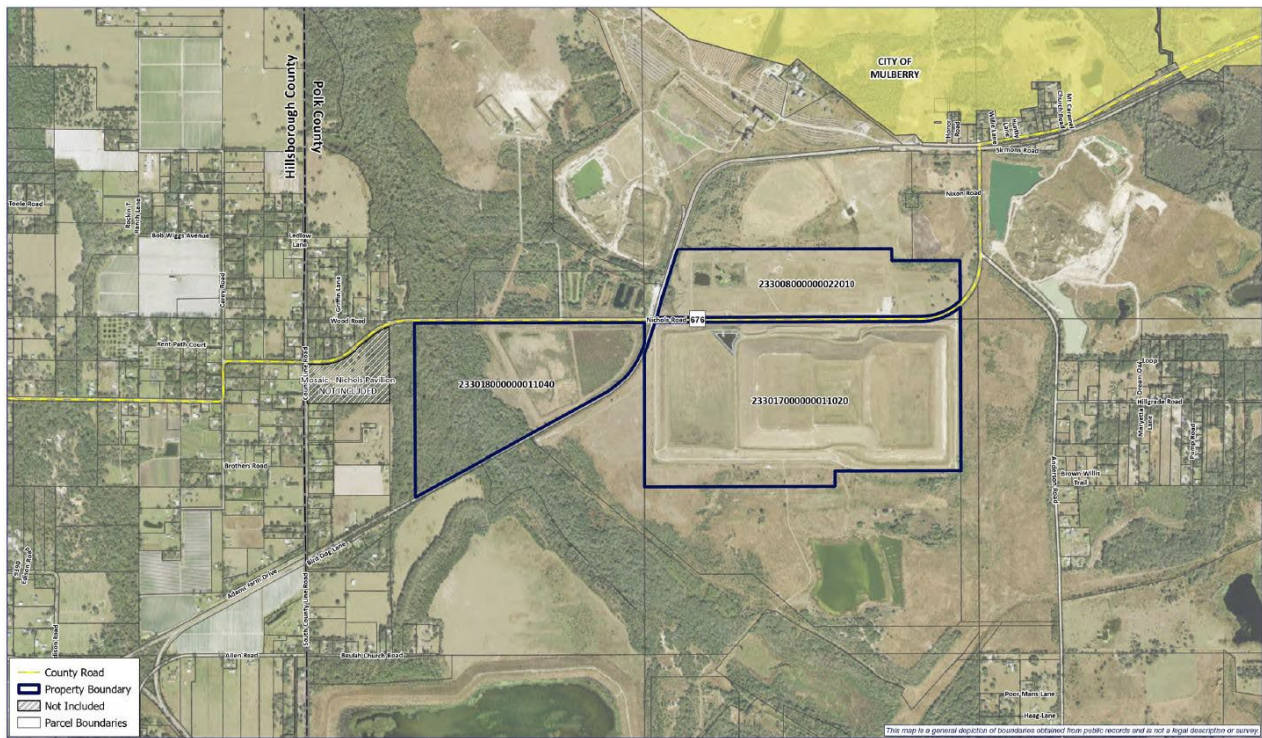


Figure 1. Subject Property – General Location Map (Attachment 2)

The table below summarizes current Property attributes:

Parcel ID	Acreage*	A/RR Acreage*	PM Acreage*
233008000000022010	± 109.55 AC	± 97.57 AC	± 11.98 AC
233017000000011020	± 287.47 AC	±180.74 AC	± 106.73 AC
233018000000011040	± 145.63 AC	± 142.60 AC	± 3.03 AC
Total Acreage*	± 542.65 AC	± 420.91 AC	± 121.74 AC

**Acreage is not reflective of Polk County GIS and Property Appraiser (“PA”) Records and not reflective of surveyed acreage. Parcel Folio 233018000000011040 is under PA review for a separate parcel folio recording and the acreage only references the portion of the parcel with existing lime treatment ponds.*

Table 1. Property Attributes

I. Site Components and History

There is an existing phosphogypsum (“gypsum”) stack system (“PSS”) on the Property. Mobil Chemical Company began construction of the first gypsum stack and a cooling pond in the mid-1950s. Construction on a second gypsum stack began in 1959 and construction of the final gypsum stack cell began in 1962. The phosphoric acid plant was in operation until 1998 and the plant buildings were subsequently demolished. Throughout the history of the Facility, there were numerous modifications of the PSS, primarily to comply with environmental regulations. The PSS still collects process water seepage and a pipeline transfers this process water to the New Wales Facility for treatment. As shown in **Figure 2** below, the main components of the PSS consist of the following: (1) gypsum stack with three cells (east, center, and west cells); (2) cooling pond; (3) process water leachate collection sump; and (4) lime treatment ponds.



Figure 2. Subject Property – Site Map (Attachment 3)

Testing is underway to utilize the top of the existing gypsum stacks for auxiliary holding ponds (“AHPs”) to hold additional process water. There is a pending National Pollutant Discharge Elimination System (“NPDES”) Permit (FL0030139) modification for these AHPs and an existing County Level 2 approval.

II. Request

The Facility was still in operation upon the adoption of the County’s Comprehensive Plan (the “Plan”) in 1991. Upon adoption of the Plan, a ± 420.91-acre portion of the Property was incorrectly designated A/RR on the FLU map, rather than a PM FLU designation, as shown in **Figure 3**. **Table 1** provides a breakdown of the A/RR and PM FLU designations for each parcel folio. The Facility also pre-dates the first County zoning ordinance.

In accordance with Section 912 and Table 9.1 of the County Land Development Code (“LDC”), Plan Amendments require public hearings before the Planning Commission (“PC”) and Board of County Commissioners (“BOCC”).

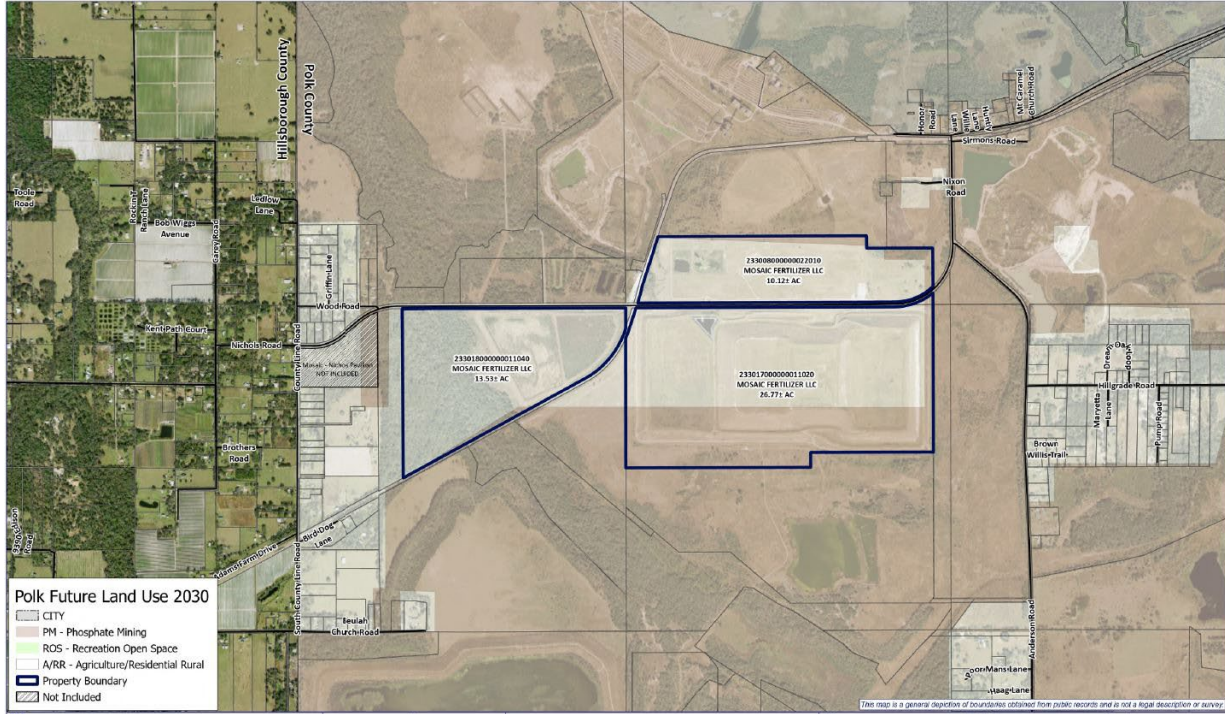


Figure 3. Subject Property – Current Future Land Use Map (Attachment 4)

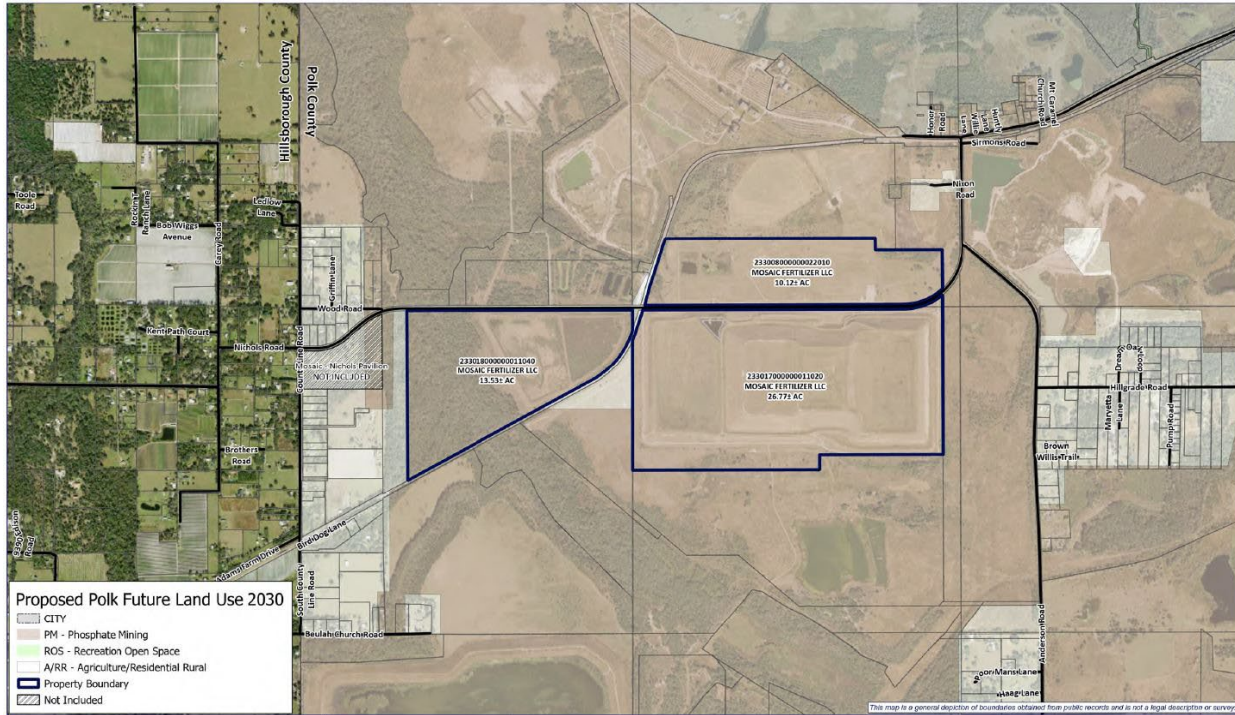


Figure 4. Subject Property – Proposed Future Land Use Map (Attachment 5)

III. Character of the Surrounding Area

The area surrounding the Facility is rural and largely consists of land with a PM or A/RR FLU designation, as shown in **Figure 3**. Nichols (unincorporated) has a long history of phosphate mining and mining operations. A significant portion of land surrounding the Property was previously mined for phosphate and or utilized for phosphate mining operations. There is minimal residential development within the immediate surrounding area, with the greatest residential density in Mulberry, northeast of the Property. There are residences east of the Property along Anderson Road and west of the Property along County Line Road.

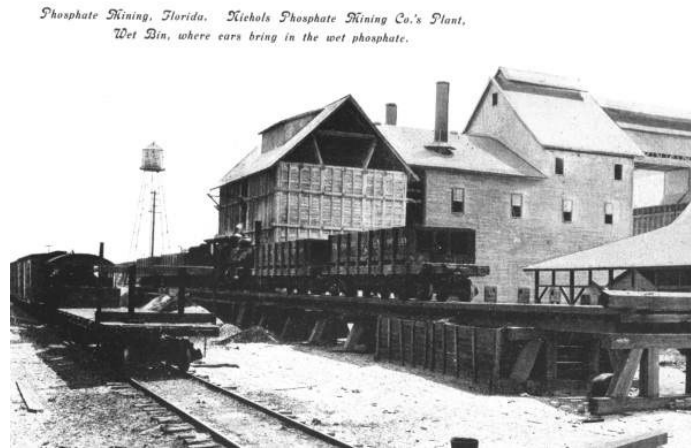


Figure 5. Historic Photograph – Circa 1910 – Florida Memory (Attachment 6)

The Property and the surrounding land area are within the Rural Development Area (“RDA”). The purpose of the RDA is to “provide areas for rural activities such as agricultural uses, mining activities, and rural residential development.” An analysis of the RDA Policies of the Plan are in Section IV of this narrative.

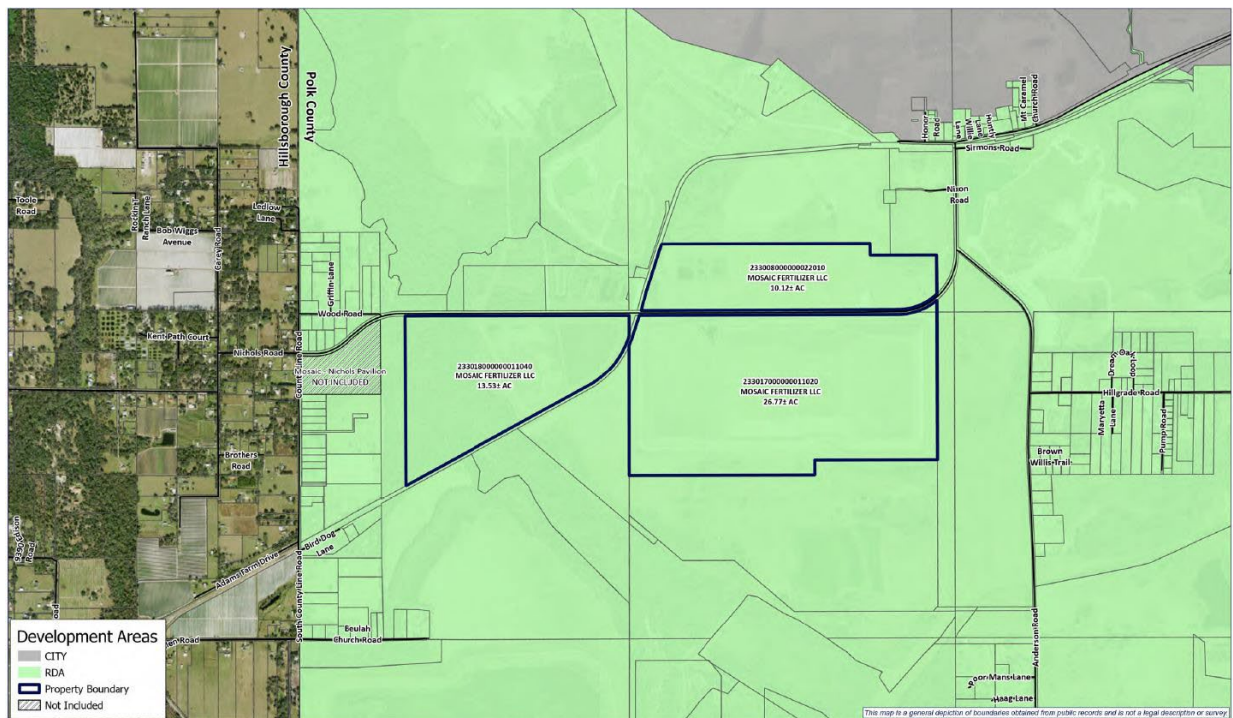


Figure 6. Subject Property – Rural Development Area Map (Attachment 7)

IV. Consistency with the Polk County Comprehensive Plan

The below Plan Objectives and Policies are supportive of the Request:

SECTION 2.108 - RURAL-DEVELOPMENT AREAS (RDA)

OBJECTIVE 2.108-A: *The Polk County Plan shall provide areas for rural activities such as agricultural uses, mining activities, and rural residential uses, and for areas to be available for future long-range urban-expansion activities through:*

- a. the designation and mapping of Rural-Development Areas (RDAs), and*
- b. the establishment of policies to govern the development of land within RDAs.*

Discussion: The FLU Element of the Plan identifies five broad, urban form areas or development areas, including the RDA. The Property is within the RDA and the existing Facility is a component of phosphate mining operations, further implementing this Objective.

POLICY 2.108-A1: DESCRIPTION - *Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.*

Discussion: This Policy helps to further implement Objective 2.108-A. The area surrounding the Property is rural in nature with large open areas and residences with an A/RR FLU designation are +/- 1,400-feet away from the Property.

SECTION 2.102 – GROWTH MANAGEMENT.

OBJECTIVE 2.102-A: *Development within unincorporated Polk County shall occur in accordance with the policies stated within this Future Land Use Element and all other Goals, Objectives and Policies incorporated within the Polk County Comprehensive Plan.*

Discussion: The Property is within the RDA and the existing Facility is a compatible use with the request to amend a ± 420.91-acre portion of the Property's FLU designation to from A/RR to PM.

POLICY 2.102-A1: DEVELOPMENT LOCATION - *Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing communities.*

Discussion: This Policy helps to further implement Objective 2.102-A. The area surrounding the Property is rural in nature. This request provides the correct FLU for the existing Facility. The Request promotes a contiguous growth pattern that is compatible with the surrounding FLU.

POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished:

- a. there have been provisions made which buffer incompatible uses from dissimilar uses;*
- b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use;*
- c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.*

This Policy helps to further implement Objective 2.102-A to ensure compatibility. The area surrounding the Property is rural in nature. No buffer is necessary for the Request and the existing Facility is compatible with the existing development pattern and surrounding FLU. Scaling and a Planned Unit Development is not necessary for this Request in the RDA.

SECTION 2.114-A PHOSPHATE MINING

OBJECTIVE 2.114-A: The Polk County Plan shall provide for the use and development of mining lands and non-reclaimed phosphate-mined areas within the County through:

- a. The establishment of a "Phosphate Mining" land use classification;*
- b. The designation of Phosphate Mining lands on the Future Land Use Map Series; and*
- c. Through the establishment of development criteria applicable to the development and location of Phosphate Mining lands within the County.*
- d. Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map, may develop their property residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2 will be used (Rural Mixed Use Developments).*

Discussion: This Objective outlines the purpose of the PM land use designation and the permissible uses within the FLU category. The Facility is an existing use and most compatible with the PM FLU because it is a phosphate mining support use.

POLICY 2.114-A1: CHARACTERISTICS - Phosphate Mining areas are generally characterized by existing or proposed phosphate-mining operations, phosphate-mining support facilities, and non-reclaimed phosphate-mined areas.

Discussion: This Policy provides the characteristics for typical PM land uses. The existing Facility PSS is a characteristic use within the PM FLU use category rather than the A/RR FLU category.

POLICY 2.114-A2: DESIGNATION AND MAPPING - Phosphate Mining areas shall be designated and mapped on the Future Land Use Map Series as "Phosphate Mining" (PM), and shall include:

- a. all existing phosphate-mining areas and support facilities for which a "Conceptual*

Mine Plan" has been accepted by the County, and

b. any non-reclaimed inactive mining areas for which foreseeable development is unlikely, as of the adoption date of the Comprehensive Plan.

Property not meeting the criteria under Policy 2.114-A2 (Designation and Mapping of Phosphate Mining Land) but designated as Phosphate Mining on the Polk County Future Land Use Map Series, may be developed residentially but the County must initiate a Comprehensive Plan amendment soon after to recognize the new land use. Agricultural/Residential-Rural (A/RR) development criteria specified under Section 2.121-A with the exception of Policy 2.121-A2.E.2 (Rural Mixed Use Developments) will be used; and, the applicant must show documentation proving the property was not owned by a phosphate mining company prior to May 1, 1991, the Plan's adoption date. Property purchased from a phosphate company after this date will not be considered an error.

Discussion: Similar to previous Policies, this Policy further implements the intent of Objective 2.114-A. Portions of the Property received the incorrect FLU designation of A/RR, rather than PM upon adoption of the Plan in 1991. Due to the nature and topography of the PPS (see Attachment 7), future residential development is unlikely.

V. Conclusion.

The Request to amend a ± 420.91-acre portion of the Property's A/RR FLU to a PM FLU is necessary to provide overall operation continuity and to provide the correct FLU designation for the Property. Numerous Objectives and Policies of the Polk County Comprehensive Plan are supportive of the Request and ensure compatibility with the existing land use pattern.

ATTACHMENT 1



DISCLAIMER: All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is."

Parcel Info

Parcel ID:	23300800000022010
Owner1:	MOSAIC FERTILIZER LLC
Physical Street Address:	0 OLD NICHOLS RD
Postal City and Zip:	MULBERRY, FL 33860
Municipality / Tax Dist:	90000 (UNINCORP/SWFWMD)
Legal Desc:	THAT PART OF S1/4 DESC AS COMM AT SW COR OF SEC RUN E 99.77 FT TO WLY R/W LINE OF SCL RR FOR POB RUN N 17 DEG 59 MIN 47 SEC E ALONG SAID WLY RR R/W LINE 1177.59 FT TO A LINE 1120 FT NLY FROM & PARALLEL WITH S BDRY OF SEC RUN E ALONG SAID PARALLEL LINE 3461.98 FT RUN S & PARALLEL WITH E BDRY OF SEC 200 FT RUN E & PARALLEL WITH S BDRY OF SEC 1070 FT TO A LINE 280 FT WLY FROM & PARALLEL WITH E BDRY OF SEC RUN S 920 FT TO S BDRY OF SEC RUN W 4903.13 FT ALONG S BDRY OF SEC TO POB LESS S R #676 R/W
Property (DOR) Use Code:	9200 (Phosphate Land)
Acreage:	109.5527

Sales Information

Date of Sale	Type Inst	Sales Price
05/01/1994	CORRECTIVE DEED	\$100
06/01/1993	WARRANTY DEED	\$71,287,100
12/01/1992	WARRANTY DEED	\$6,000,000

All above information is current (as of 03/11/2024). All below information is 2023 Final.

Value Summary

Value Name	Price
Building Value	\$0
Extra Feature Value	\$2,520
Land Value (Market)	\$460,058
Just Market Value	\$462,578
Assessed Value	\$462,578
Exempt Value	\$0
Taxable Value	\$462,478



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Parcel Info

Parcel ID:	233017000000011020
Owner1:	MOSAIC FERTILIZER LLC
Physical Street Address:	0 NICHOLS RD
Postal City and Zip:	MULBERRY, FL 33860
Municipality / Tax Dist:	90000 (UNINCORP/SWFWMD)
Legal Desc:	BEG AT NW COR OF SEC RUN E 5002.90 FT TO LINE WHICH IS 280 FT WLY FROM E BDRY OF SEC RUN S 2400 FT W 2000 FT S 240 FT W 3013.14 FT TO W BDRY OF SEC RUN N 2640 FT TO POB LESS R/W FOR SR #676 & LESS RAILROAD R/W
Property (DOR) Use Code:	9200 (Phosphate Land)
Acreage:	287.4750

Sales Information

Date of Sale	Type Inst	Sales Price
05/01/1994	CORRECTIVE DEED	\$100
06/01/1993	WARRANTY DEED	\$71,287,100
12/01/1992	WARRANTY DEED	\$6,000,000

All above information is current (as of 03/11/2024). All below information is 2023 Final.

Value Summary

Value Name	Price
Building Value	\$0
Extra Feature Value	\$0
Land Value (Market)	\$258,221
Just Market Value	\$258,221
Assessed Value	\$258,221
Exempt Value	\$0
Taxable Value	\$258,221



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Parcel Info

Parcel ID:	233018000000011040
Owner1:	MOSAIC FERTILIZER LLC
Physical Street Address:	0 NICHOLS RD
Postal City and Zip:	LITHIA, FL 33547
Municipality / Tax Dist:	90000 (UNINCORP/SWFWMD)
Legal Desc:	BEG NE COR OF SECTION RUN WEST 3705 FT SOUTH 2833.68 FT TO NLY R/W LINE OF SCL RR THENCE N 61 DEG 24 MIN 40 SEC E ALONG R/W 3321.13 FT TO CURVE NELY ALONG CURVE 1260.01 FT TO EAST LINE OF SECTION NORTH 309.50 FT TO POB & NW1/4 OF NW1/4 LYING SOUTH OF ST RD #676 LESS RD R/W
Property (DOR) Use Code:	9210 (Phosphate Land With Improvements)
Acreage:	170.6830

Sales Information

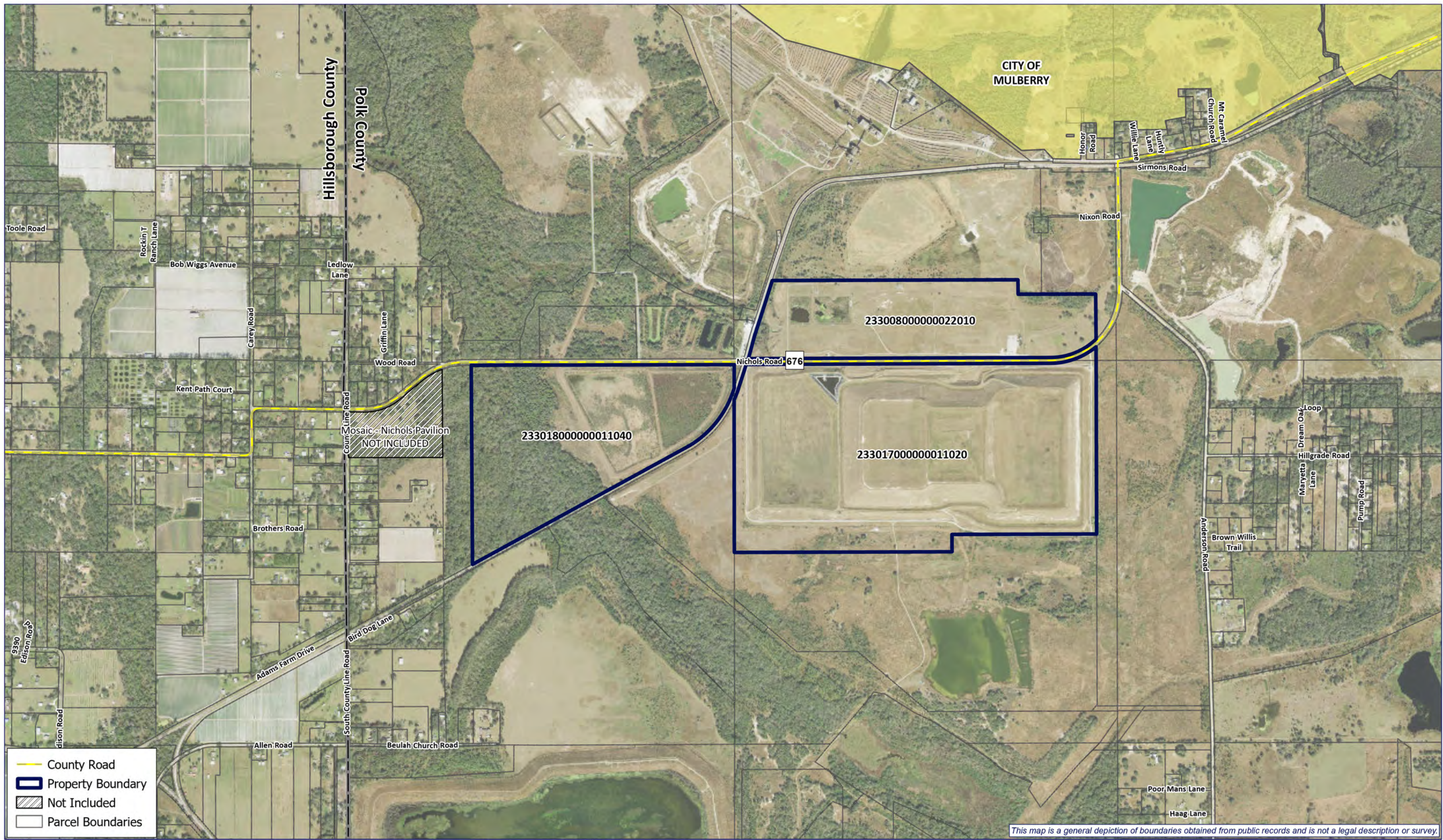
Date of Sale	Type Inst	Sales Price
05/01/1994	CORRECTIVE DEED	\$100
06/01/1993	WARRANTY DEED	\$71,287,100
12/01/1992	WARRANTY DEED	\$6,000,000

All above information is current (as of 03/11/2024). All below information is 2023 Final.

Value Summary

Value Name	Price
Building Value	\$307,619
Extra Feature Value	\$20,376
Land Value (Market)	\$548,829
Just Market Value	\$876,824
Assessed Value	\$876,824
Exempt Value	\$0
Taxable Value	\$858,700

ATTACHMENT 2



TITLE:
**Property Location Map
 (Map "A")**

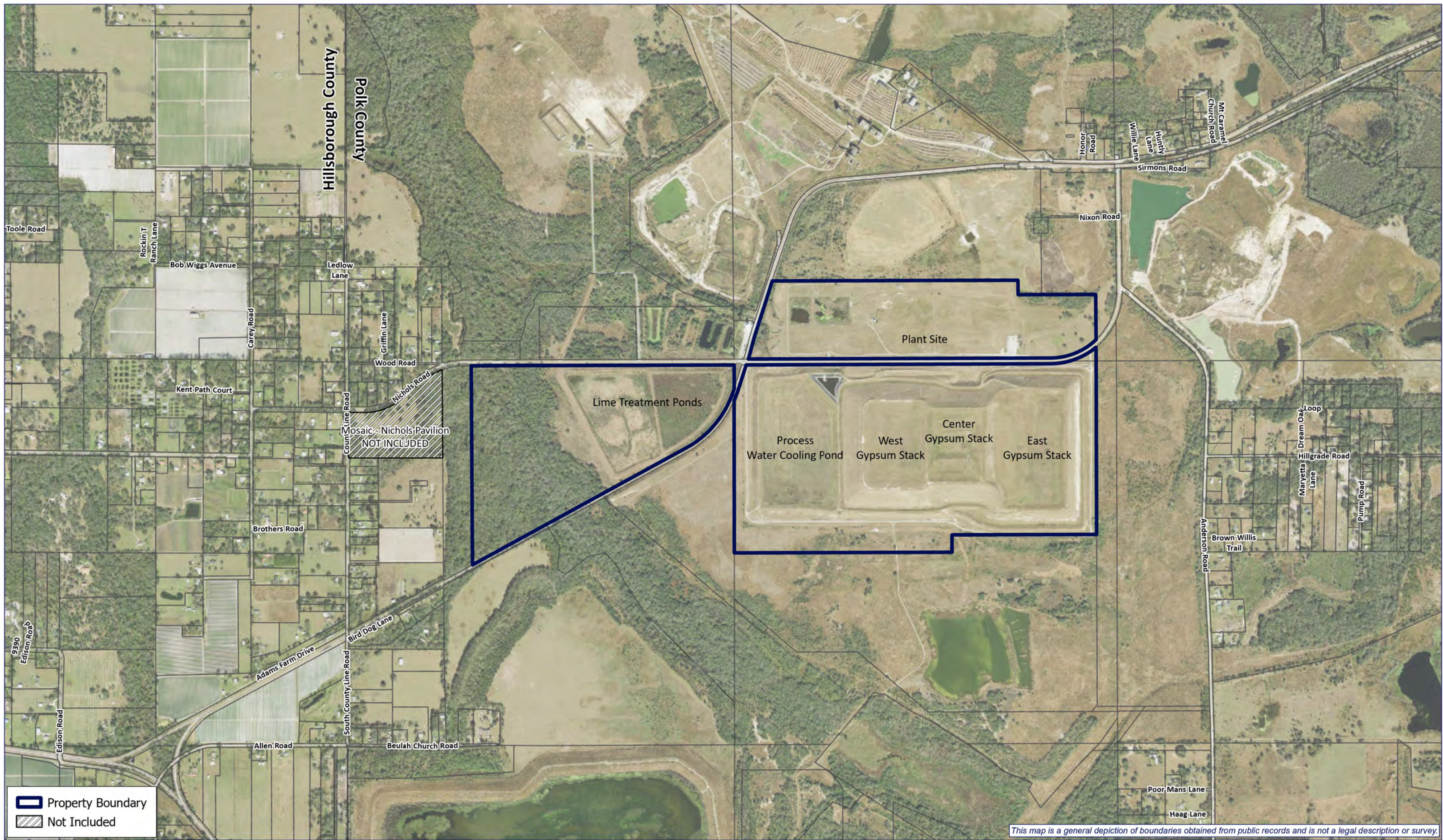


PROJECT:
Mosaic
 Polk County, Florida

STEARNS WEAVER MILLER
 MIAMI | FORT LAUDERDALE | TAMPA | TALLAHASSEE | CORAL GABLES

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

ATTACHMENT 3



Property Boundary
 Not Included

This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

TITLE:
**Overall Site Plan
 Layout (Map "F")**



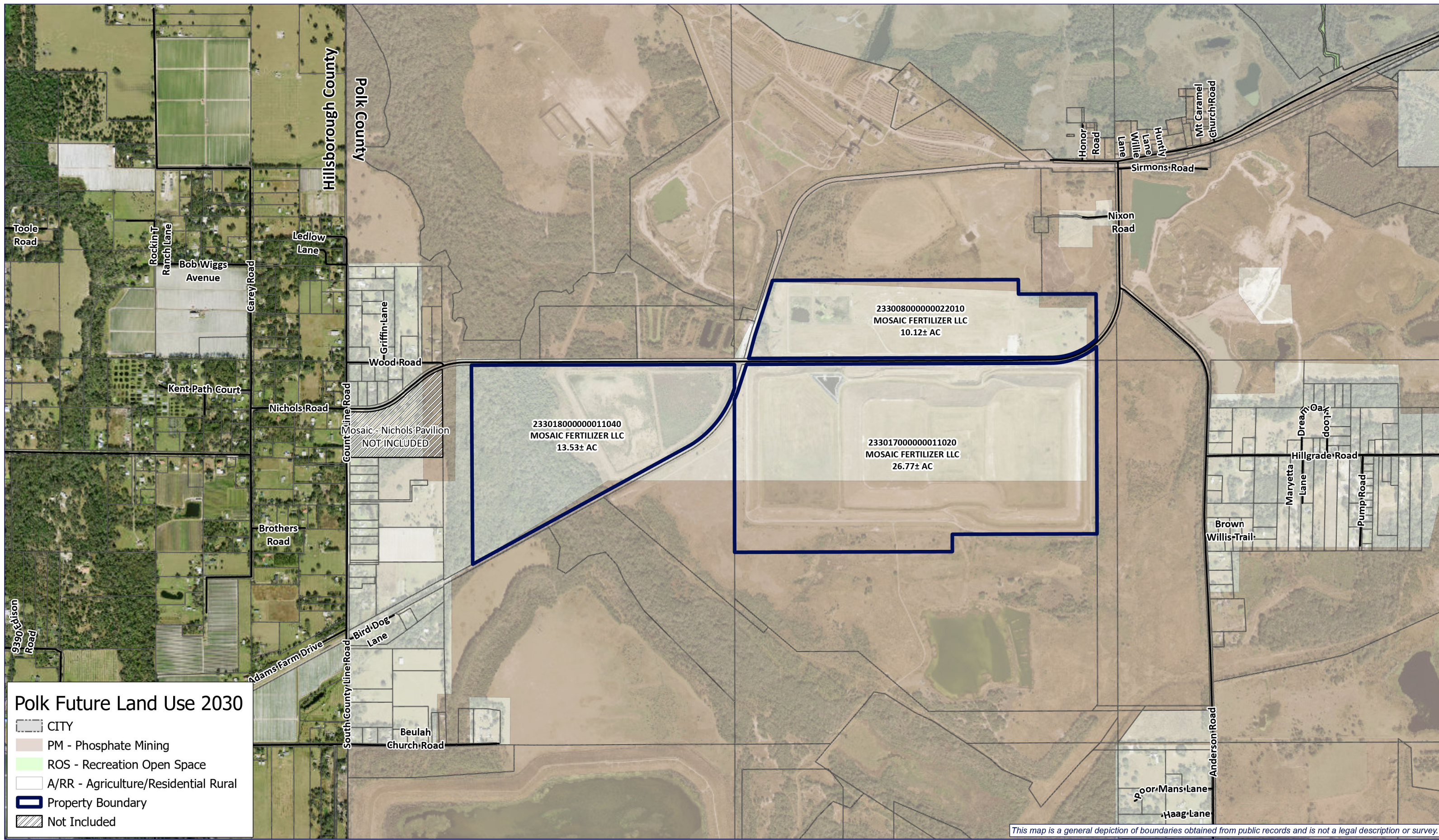
PROJECT:

 Polk County, Florida

STEARNS WEAVER MILLER

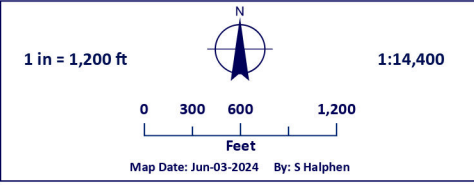
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ATTACHMENT 4



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TITLE:
**Existing Future Land Use
 (Map "C")**

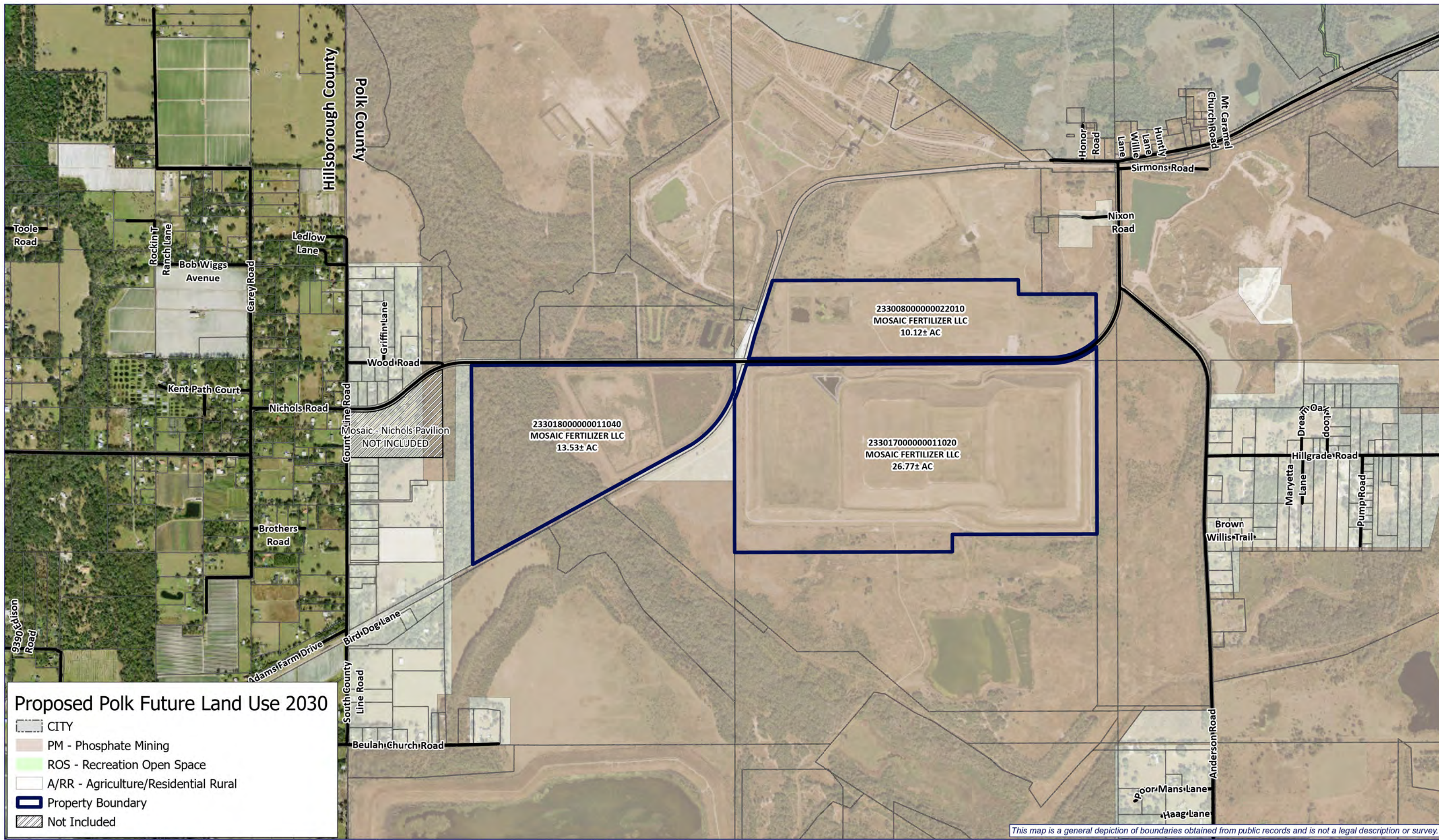


PROJECT:

 Polk County, Florida

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ATTACHMENT 5



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TITLE:
Proposed Future Land Use



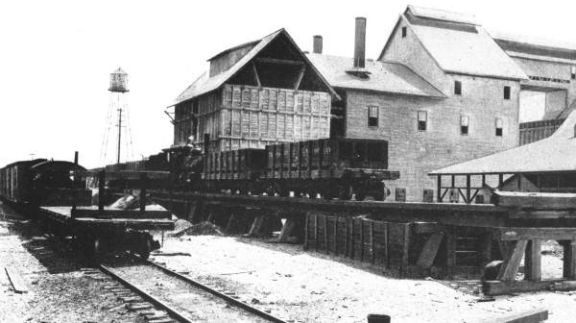
PROJECT:

 Polk County, Florida

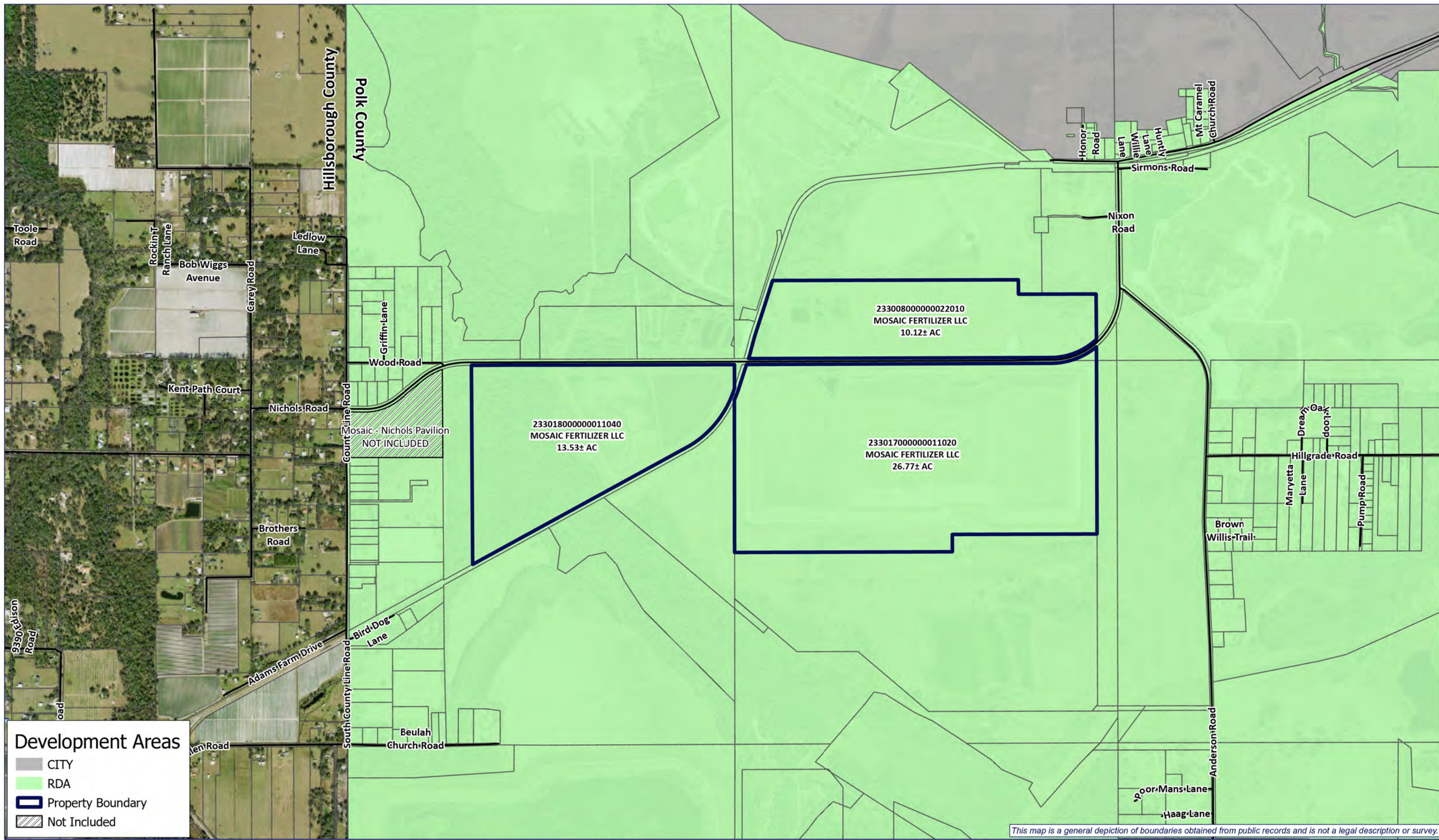
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ATTACHMENT 6

*Phosphate Mining, Florida. Nichols Phosphate Mining Co.'s Plant,
Wet Bin, where cars bring in the wet phosphate.*



ATTACHMENT 7



This map is a general depiction of boundaries obtained from public records and is not a legal description or survey.

TITLE:
Rural Development Area



PROJECT:

 Polk County, Florida

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